

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

THEODORE SANTI,)	
)	
Plaintiff,)	
)	
v.)	No. 04-0268-CV-W-FJG
)	
CITY OF KANSAS CITY, MISSOURI, et al.,)	
)	
Defendants.)	

ORDER

On August 9, 2005, the Court held a teleconference to discuss plaintiffs' motion to re-open discovery (Doc. No. 72) and the parties' consented-to motion for extension of time to make pre-trial filings (Doc. No. 73). In that teleconference, the Court indicated to the parties that, given the parties' filings, proceeding on the October accelerated docket would be impossible. The Court directed that the parties should work together following the teleconference to come up with a joint proposed discovery plan and scheduling order.

The parties have now informed the Court, through separate letters dated August 18, 2005, that they cannot agree on a proposed discovery plan and scheduling order. Plaintiff states that the parties' disagreement is in respect to three issues: (1) discovery related to plaintiff's Second Request for Production of Documents to defendant city; (2) plaintiff's subpoena to BRAL Environmental; and (3) plaintiff's upcoming motion to file an amended complaint to assert a claim under Missouri's Prompt Pay Act.

After considering the letters from the parties, the Court finds the arguments made in plaintiff's letter to be persuasive. Therefore, the Court **DIRECTS** the parties to submit a joint proposed discovery plan and scheduling order that substantially follows the

deadlines proposed by plaintiff in his letter to the Court. The joint proposed discovery plan and scheduling order **SHALL** be filed on ECF on or before **September 14, 2005**. The parties should also note that, given that the matter will be re-set to the April accelerated docket and after considering the arguments presented in plaintiff's letter to the Court, the Court would be inclined to grant a request (made by motion) for an extension of the deadline to amend pleadings.

IT IS SO ORDERED.

Date: September 7, 2005
Kansas City, Missouri

/s/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge